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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.             | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------------------|------------------|
| 10/674,275  | 09/29/2003  | Ramona Rae Fechter   | 28082.119                       | 8370             |
| 7590  |             | 10/16/2007           |                                 |                  |
| Paul F. Wille<br>2225 West Chandler Boulevard<br>Chandler, AZ 85224 |             |                      | EXAMINER<br>QUARTERMAN, KEVIN J |                  |
|   |             |                      | ART UNIT                        | PAPER NUMBER     |
|   |             |                      | 2879                            |                  |
|   |             |                      | MAIL DATE                       | DELIVERY MODE    |
|   |             |                      | 10/16/2007                      | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/674,275

Applicant(s)

FECHTER ET AL.

Examiner

Kevin Quarterman

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 8-21 is/are pending in the application.
- 4a) Of the above claim(s) 10-16, 20 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8, 9 and 17-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment and remarks received on 23 July 2007 have been entered.

### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: Claim 1 recites the limitation "the lamp" in the last line of the claim. There is insufficient antecedent basis for this limitation in the claim. It appears that the term "panel" should replace the term "lamp" in the claim. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 8-9, and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Burrows (US 6,271,631).
5. Regarding independent claim 1, Figure 7 of Burrows shows an article having an electroluminescent panel (701A thru 701D) as a first surface of the article, the article characterized in that the panel is an integral part of the article. The Examiner notes that the method of providing the panel as an integral part of the article via injection molding has not been given any patentable weight, since the patentability of a device does not depend on its method of production—i.e., injection molding (MPEP § 2113). Thus,

Art Unit: 2879

Figure 7 of Burrows shows the electroluminescent panel as an integral part of the article as claimed in the instant application.

6. Regarding claim 2, Burrows discloses the panel emitting light outwardly from the first surface (col. 11, ln. 22-40).

7. Regarding claim 3, Burrows discloses the panel emitting light into the article (col. 11, ln. 22-40).

8. Regarding claim 4, Burrows discloses the first surface being three-dimensional (col. 11, ln. 19-21).

9. Regarding claim 8, Burrows discloses the article further including a graphics layer (col. 4, ln. 13-15).

10. Regarding claim 9, Burrows discloses a graphics layer adjacent a second surface of the article (col. 4, ln. 13-15).

11. Regarding independent claim 17, Figure 7 of Burrows shows an instrument cluster having at least one electroluminescent lamp (701A-D) as a first surface of the cluster, the instrument cluster characterized in that the lamp is an integral part of the cluster. The Examiner notes that the method of providing the lamp as an integral part of the cluster via molding has not been given any patentable weight, since the patentability of a device does not depend on its method of production—i.e., molding (MPEP § 2113). Thus, Figure 7 of Burrows shows the lamp as an integral part of the cluster as claimed in the instant application.

12. Regarding claim 18, Figure 7 of Burrows also shows a plurality of electroluminescent lamps, wherein at least some of the lamps include a graphics layer (col. 4, ln. 13-15).

13. Regarding independent claim 19, Figure 7 of Burrows shows a cellular telephone having an electroluminescent panel (701A-D) as a first surface of the telephone, the telephone characterized in that the panel is an integral part of the telephone. The Examiner notes that the method of providing the panel as an integral part of the telephone via molding has not been given any patentable weight, since the patentability of a device does not depend on its method of production—i.e., molding (MPEP § 2113). Thus, Figure 7 of Burrows shows the panel as an integral part of the telephone as claimed in the instant application.

### ***Response to Arguments***

14. Applicant's arguments received 02 April 2007 have been fully considered but they are not persuasive.

15. In response to applicant's argument that Burrows does not disclose a process that produces the integral structure as claimed in the instant application, the Examiner notes that the patentability of a product does not depend on its method of production. If the product is the same as a product of the prior art, the claim is unpatentable even though the prior product was made by a different process (MPEP § 2113). Thus since Burrows teaches each of the structural limitations of the claims, the Examiner holds that the claims of the instant application are anticipated by Burrows, as discussed earlier in this office action.

***Conclusion***

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

17. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2879

**Contact Information**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Quarterman whose telephone number is (571) 272-2461. The examiner can normally be reached on M-TH (7-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kevin Quarterman  
Examiner  
Art Unit 2879

kq   
3 October 2007

  
**KARABI GUHARAY**  
**PRIMARY EXAMINER**